

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8589 of 1996
with Special Civil Application Nos. 8590,
10348 of 1996 and 54 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BODUBHAI BALUBHAI

Versus

STATE OF GUJARAT

Appearance:

MR RC PATHAK for Petitioners
SERVED for Respondent No. 1, 3, 4
MR DA BAMBHANIA for Respondent No. 2

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 11/03/97

ORAL JUDGEMENT

Rule has already been issued in Special Civil Applications Nos. 8589/96, 10348/96 and 54/97 and in these three matters the service is completed. Issue rule in Special Civil Application No. 8590 of 1996. The service of rule is waived by Mr. DA Bambhaniya learned AGP. Both the sides have submitted that the matters may be taken up for final decision at this stage itself.

The learned counsel for the petitioners has submitted that the point involved in these matters is fully covered by a decision of this Court rendered as a Common Order in Special Civil Applications Nos.4565, 4567, 4575, 4577, 4578 and 4580 of 1995 in which the Government Resolution dated 17.10.88 issued by the Roads & Building Department had been considered and it was

found that this Resolution is applicable to the employees working in the Forest Department also. All the 4 petitioners in these special civil applications are also employees of the Forest Department and the aforesaid Resolution dated 17.10.1988 is also applicable to them. Mr. Bambhaniya learned AGP states that no Letters Patent Appeal was preferred against this judgment dated 4.3.1996, and the judgment has become final. Mr Pathak submits that the order has been implemented qua the employees who were concerned in the matters which were decided on 4.3.1996. In this view of the matter, I find that the grievance raised by the petitioners is fully covered by the said decision, as aforesaid, rendered on 4.3.1996 by this Court in the Special Civil Applications Nos. 4565, 4567, 4575, 4577 and 4580 of 1995, in which the rule had been made absolute. These Special Civil applications are, therefore, allowed to the extent that the petitioners shall be entitled to the benefits under the Government Resolution dated 17.10.1988 for the period from 1.10.1988 that is the date from which the Resolution dated 17.10.1988 was made effective and onwards and the amount which may be found to be due shall be examined in each and every case and whatever amount is found to be due shall be paid to the petitioners at the earliest possible opportunity, but in no case later than 30th April, 1997. Rule is made absolute in all these four matters in the terms, as aforesaid, with no order as to costs.
